

**Superior Court, County of  
Ventura  
Self-Help Legal Access Center**

**EVICTIIONS**

**(UNLAWFUL DETAINER)**

**1**

Answering, settling or defaulting

A lawsuit to evict a tenant is called an **unlawful detainer**. The eviction process begins when the tenant is given a notice from the landlord to move out. If the tenant does not move out in time, the landlord can file a lawsuit. The one who is bringing the lawsuit is called the **plaintiff**. The one who is being sued is called the **defendant**. If you are sued, you have several choices:

1. You can defend yourself by filing an answer to the lawsuit in court. Special forms are used, which you can get from the court. To see if you have a legal defense, read the packet **Legal Reasons Why I Should Not Be Evicted**.

2. You can choose not to defend yourself and allow the landlord to get a **default** judgment against you. A **default** means that you fail to answer the complaint in the time required by law. If you allow a default to be entered against you, you CANNOT defend yourself in the case, and you may be forced to move from the property as early as 11 days from when you received the complaint. **WARNING:** a judgment against you could show on your credit report and make it harder for you to rent another place.

3. You can try to reach an agreement with the landlord. If you reach an agreement BE CAREFUL to make sure the landlord **dismisses** the lawsuit before the time is up for you to file your answer. Otherwise, a default may still be entered against you. You can check to make sure the case is **dismissed** by calling the court at (805) 654-2609 and follow the instructions to speak with a civil clerk. For cases filed in Simi Valley call (805) 582-8086. You will need to give the case number to the clerk.

**If you want to file an answer to the lawsuit, go to the**

**next page.**

1. Counting the Time to File Your Answer

You have **5** days to file your answer in court after you receive a copy of the lawsuit filed against you. The 5 days includes Saturdays and Sundays. Do not count the day you were given the lawsuit, but begin counting with the next day. If the 5th day falls on a Saturday or Sunday, you can file your answer on Monday.

2. Where to get the Answer Forms

You can get the Answer forms from the court clerk's office or from the Self-Help Legal Access ("SHLA") Center in Room 106 of the Ventura Courthouse. Forms are 10 cents a page plus tax.

3. What does it Cost to File an Answer?

It costs \$89.00 for each person named as a **defendant** to file an answer. If your income is below a certain level, you can apply for a **waiver** of the filing fee. You can get a **fee waiver application** packet from the court clerk's office or from the SHLA Center. The fee waiver application is free.

**WARNING:**

THE VENTURA COURT'S SELF-HELP LEGAL ACCESS CENTER IS NOT REPRESENTING YOU, OR TELLING YOU WHICH CHOICE TO MAKE. IT HAS ONLY ASSISTED YOU IN REPRESENTING YOURSELF BY PROVIDING LIMITED INFORMATION ABOUT YOUR OPTIONS. NO ATTORNEY FROM THE CENTER WILL APPEAR IN COURT TO REPRESENT YOU AT TRIAL OR ANY OTHER HEARING. YOU ARE REPRESENTING YOURSELF. THE CENTER STRONGLY RECOMMENDS THAT YOU SEEK THE ADVICE OF AN ATTORNEY IN THIS MATTER IF YOU CAN. IF YOU DESIRE FURTHER REFERRAL INFORMATION

REGARDING SECURING AN ATTORNEY, YOU MAY CALL THE LAWYER  
REFERRAL SERVICE OF THE VENTURA COUNTY BAR ASSOCIATION AT  
(805) 650-7599.